IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

**O R D E R**

S.B. CIVIL WRIT PETITION NO. 7698/2004

MANDIR SHRI TRIVENISHWAR MAHADEV
Vs.
JAIPUR DEVELOPMENT AUTHORITY & ORS.

DATE: 21.08.2007.

**HON'BLE MR. JUSTICE K.S. RATHORE**

Mr. Sudesh Bansal for the petitioner.
Ms. Priyanka Pareek for the respondent JDA.
Mr. S.R Saini for respondent Nos. 3/1, 3/2 and 3/3.

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This writ petition is directed against the order dated 17.07.2004 passed by the Jaipur Development Authority Appellate Tribunal (for short 'the JDA Tribunal') in Reference Petition No. 122/2002 filed by Mr. Brijmohan Lal Pareek, whereby the petitioner has been restrained from raising new construction in the temple and further liberty is given to the JDA to exercise power under Section 72 of the JDA Act so far as removal of the temple is concerned.

Having heard rival submissions of the respective parties and after going through the order impugned dated 17.07.2004, so far as the order passed by the JDA Tribunal to maintain status quo as exists

today as per the Commissioner's report is concerned, no interference whatsoever is required by this Court. The petitioner is directed to maintain status quo pursuant to the report of the Commissioner and shall not raise any further construction in the temple.

But as regards direction to the JDA to remove the temple exercising power under Section 72 of the JDA Act, this part of the order impugned dated 17.07.2004 is hereby quashed and set-aside. The JDA is always at liberty to do needful if the order of the JDA Tribunal and this Court with regard to maintaining status quo is not complied with and can take appropriate steps against the petitioner under the JDA Act. No writ, order or direction is required to be given in this writ petition for allowing the petitioner to repair the temple and for that purpose, the petitioner is given liberty to move application before the JDA and it is for the JDA to consider the same as per law.

With these observations, the writ petition stands disposed of.

**(K.S. RATHORE),J.**

/KKC/